

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
AMENDED REGULAR MEETING AGENDA
(PAGES 3, 4, 5 AND 6)
APRIL 18, 2007**

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
APRIL 4, 2007 REGULAR MEETING** _____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING AN AMENDMENT TO THE FISCAL YEAR 2006-2007 FIRE DEPARTMENT BUDGET FOR THE APPROPRIATION OF UNANTICIPATED REVENUE FROM THE MONTANA DEPARTMENT OF PUBIC HEALTH AND HUMAN SERVICES AND THE BOULEVARD FIRE DEPARTMENT SOCIAL FUND. (Communication No. 07-187 being held in Committee of the Whole) Proof of publication

SECTION II PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE ALLOCATION OF RURAL HERITAGE INITIATIVE GRANT FUNDS FROM THE MONTANA HISTORIC PRESERVATION OFFICE. (Communication No. 07-208 being held in Committee of the Whole) Proof of publication

SECTION III INVITATION FOR BIDS

SEALED BIDS FOR A TENDER APPARATUS FOR THE TERRA VERDE VOLUNTEER FIRE DEPARTMENT. (Communication No. 07-197 being held in Committee of the Whole) Proof of publication

SECTION IV**PRESENTATION
COMMUNICATION NO. 07-234**

Kerry White, Executive Co-Chairman for CBU, requesting time on the 4/18/07 agenda to make a presentation on efforts of CBU in Forest Planning of Beaverhead Deer-Lodge National Forest.

SECTION V**PRESENTATION
COMMUNICATION NO. 07-248**

Karen Byrnes, Director Community Development Department, requesting time on 4/18/07 to present the results of the Y2007 Community Transportation Enhancement Program Project Recommendation.

SECTION VI**PRESENTATION
COMMUNICATION NO. 07-252**

Fran Doran, Committee Member, requesting time on the 4/18/07 agenda to discuss the reopening of the Stodden Park Pool.

SECTION VII**PRESENTATION
COMMUNICATION NO. 07-254**

John VanDaveer, Public Works Director, requesting time on the 4/18/07 agenda to deliver a presentation regarding the evaluation of costs recommended to temporarily reopen Stodden Park Pool.

SECTION VIII**CONSENT AGENDA****A. FOR APRIL 11, 2007**

1. COMMITTEE OF THE WHOLE MEETING REPORT
2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
3. JUDICIARY COMMITTEE MEETING REPORT
4. PUBLIC WORKS COMMITTEE MEETING REPORT
5. PERSONNEL COMMITTEE MEETING REPORT

CONSENT AGENDA**A-1 FOR MARCH 14, 2007**

1. COMMITTEE OF THE WHOLE MEETING REPORT
2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
3. JUDICIARY COMMITTEE MEETING REPORT
4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

1. 07-220 Stephen D. Hess, Acting Planning Director, regarding conditions satisfied for final plat of the Bella Estates Phase 1 Major subdivision. **Recommendation: note and place on file.**
2. 07-221 Robert J. Whalen, Attorney at Law, regarding Developers Packet for Lot 10 through 14 south of Eastside Athletic Club. **Recommendation: refer to Land Sales Department and hold in Committee of the Whole.**
3. 07-222 Paul Babb, Chief Executive, requesting concurrence in reappointments to the Greenway Authority Board. **Recommendation: concur and place on file.**
4. 07-223 Karen Byrnes, Director Urban Revitalization Agency, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
5. 07-224 John C. VanDaveer, Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
6. 07-225 Brad Borst, Montana Wilderness Associations, requesting time on 5/2/07 agenda to make an informational presentation. **Recommendation: schedule presentation for 5/2/07 and hold in Committee of the Whole.**
7. 07-226 Cindy Lammi, Justice Court, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
8. 07-227 Charlie O'Leary, Chairman Council of Commissioners, requesting concurrence in appointments of Sheila P. Youngblood and Dan Foley to Planning Board. **Recommendation: concur and place on file.**
9. 07-228 Bill Melvin, Civic Center Manager, requesting public hearing for 5/2/07 to receive comment concerning amendment to the budget for unanticipated revenue. **Recommendation: schedule Public Hearing 5/2/07 and hold in Committee of the Whole.**
10. 07-229 Robert A. Macioroski, Director, requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee.**
11. 07-230 Paul Babb, Chief Executive, requesting concurrence in appointments to the Law Enforcement Advisory Board. **Recommendation: concur and place on file.**
12. 07-231 Paul Babb, Chief Executive, requesting concurrence in appointment and reappointment to the Fair Board. **Recommendation: concur and place on file.**
13. 07-232 Chief Jerry Sullivan, Race Track Volunteer Fire Department, requesting support for 2007 grant year for hose on pumper fire truck. **Recommendation: Concur and place on file.**

14. 07-233 John C. VanDaveer, Director Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
15. 07-235 Jon Sesso, Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
16. 07-236 Jon Sesso, Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
17. 07-237 Jon Sesso, Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
18. 07-238 Debra Williams and Bob Lee, Justices of the Peace, requesting authorization for Chief Executive to sign maintenance contract with Lee's Office City. **Recommendation: concur and place on file.**
19. 07-239 George Everett, Mainstreet Uptown Butte, requesting permission to close one block of Main Street to hold Farmer's Market each Saturday from June 2nd through September 29, 2007. **Recommendation: hold in abeyance while going through process.**
20. 07-240 J. R. Richardson, Business Manager Butte Public Schools, requesting council forgive property taxes on Parcel No. 1901770. **Recommendation: refer to Judiciary Committee**
21. 07-241 Gary Keeler, Landfill Manager, requesting authorization for Chief Executive to enter into agreement with Western States equipment for purchase of the 2007 CAT 826H Landfill Compactor. **Recommendation: concur & place on file.**
22. 07-242 Mary M. McMahon, Clerk and Recorder, requesting possible sick leave transfers for Sandy Parini – Land Records Division. **Recommendation: refer to Personnel Committee.**
23. 07-243 Ellen Crain, Archives Director, requesting authorization for Chief Executive to sign a certificate of substantial completion of the Archives roof project. **Recommendation: concur and place on file.**
24. 07-244 John C. VanDaveer, Public Works Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance & Budget Committee**
25. 07-245 Jean Pentecost, Department of Public Works, requesting authorization for Chief Executive to enter into a "not to exceed" contract with MSE-Tetragenics. **Recommendation: refer to Budget & Finance Committee**
26. 07-246 Thomas M. Malloy, Reclamation Manager, requesting authorization for Chief Executive to enter into contract with Belgrade Equipment. **Recommendation: concur and place on file.**

27. 07-247 John W. Althof, Rail/Highway Safety Manager, requesting results of 2006 inventories at grade railroad crossings along Butte-Silver Bow rail lines. **Recommendation: refer to Public Works Committee.**
28. 07-249 Karen Byrnes, Director Community Development Department, requesting public hearing be set 5/2/07 to receive comments regarding prioritization of projects for allocation of Community Transportation Enhancement Program Funds. **Recommendation: schedule PH for 5/2/07 and hold in abeyance.**
29. 07-250 Dan Dennehy, Health Officer, requesting authorization for Chief Executive to sign an amendment to contract with Montana State Fund to increase hourly rate for nurse's aids. **Recommendation: concur & place on file.**
30. 07-251 Stephen D. Hess, Acting Planning Director, requesting approval of preliminary plat of a major subdivision amending Lot 5 in Block 10 of the Hillcrest Addition. **Recommendation: concur and place on file.**
31. 07-253 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to execute two engagement letters with Newland and Company. **Recommendation: concur and place on file.**
32. 07-255 Virginia Hanson, Risk Management Coordinator, requesting authorization for Chief Executive to sign (2) contracts with Ingraham Environmental, Inc. for asbestos abatement within the Courthouse. **Recommendation: concur and place on file.**
33. 07-256 Virginia Hanson, Risk Management Coordinator, requesting authorization for Chief Executive to sign (2) contracts with Ingraham Environmental, Inc. for asbestos abatement within the Water Company Building. **Recommendation: concur and place on file.**
34. 07-257 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to execute Professional Service Agreement with Montana Preservation Alliance. **Recommendation: concur & place on file.**
35. 07-258 Robert and Jackie Rolison, requesting the illegal cement barriers put across a public mining road known as Whiteside Place Road be removed within 10 days. **Recommendation: refer to Judiciary Committee, County Attorney & Land Office for review and recommendation.**
36. 07-259 Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. **Recommendation: refer to Committee of the Whole.**
37. 07-260 Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
38. 07-261 Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee**

SECTION X ORDINANCES – SECOND READING

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 7 AND 53 AND CHAPTERS 2.48 AND 17.54 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BOARD OF ADJUSTMENT”; AMENDING SECTIONS 2.48.090 AND 17.54.090, b-SB MC; DELETING REFERENCE TO APPEAL TO THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 76-2-327, MCA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

AN ORDINANCE CREATING A NEW CHAPTER WITHIN THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE ENTITLED “SECONDHAND GOODS” TO BE NUMBERED CHAPTER 5.66, B-SB MC; ESTABLISHING REGULATIONS FOR ALL SECONDHAND DEALERS INCLUDING SECONDHAND STORES, PAWNBROKERS, COIN DEALERS, AND DEALERS IN PRECIOUS AND SEMI-PRECIOUS METALS OR STONES; ESTABLISHING REPORT REQUIREMENTS; SETTING LICENSING FEES; ESTABLISHING PENALTIES FOR VIOLATION; REPEALING CHAPTERS 5.36 AND 5.44, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

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AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 195, 266, 398 AND 04-5 AND TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BUILDING AND CONSTRUCTION"; AMENDING CHAPTER 15.04 ENTITLED "BUILDING CODE"; AMENDING CHAPTER 15.07 ENTITLED "INTERNATIONAL EXISTING BUILDING CODE"; AMENDING CHAPTER 15.10 ENTITLED "FIRE CODE"; AMENDING CHAPTER 15.14 ENTITLED "MECHANICAL CODE"; AMENDING CHAPTER 15.15 ENTITLED "INTERNATIONAL FUEL CODE"; AMENDING CHAPTER 15.16 ENTITLED "PLUMBING CODE"; AMENDING SECTION 15.04.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE AND APPROPRIATE ARM CHANGES; AMENDING SECTION 15.04.075 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AMENDING SECTION 15.07.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, AMENDING SECTION 15.10.010 AND ADOPTING THE 2003 EDITION OF THE NFPA 1 UNIFORM FIRE CODE; AMENDING SECTION 15.14.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, AMENDING SECTION 15.15.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FUEL CODE AND AMENDING SECTION 15.16.010 AND ADOPTING THE 2006 EDITION OF THE UNIFORM PLUMBING CODE AND DELETING APPENDIX H AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-21

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION TRAFFIC SAFETY BUREAU TO PURCHASE THREE VIDEO VEHICLE CAMERAS AND FIVE PORTABLE BREATH ANALYZERS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 07-22

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW TREASURER TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

**SECTION XII ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES FOR FINAL PASSAGE**

1. COUNCIL RESOLUTION NO. 07-27

A RESOLUTION ACCEPTING THE DONATION OF LOT 1 IN BLOCK 6 OF THE CENTRAL ADDITION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

SECTION XIII CALENDAR OF OTHER MEETINGS AND EVENTS

Apr. 25	Port of Montana	Noon	Hub Center
Apr. 25	Urban Revitalization	9AM	Chief Executive's Conference Room
Apr. 26	Planning Board	7PM	Council Chambers
May 1	Historic Preservation Commission	Noon	Health Department
May 1	Weed Board	7PM	Weed Department
May 2	Butte Aids Support Services	7PM	Community Center
May 2	Community Enrichment	3:30PM	1st Floor Conference Room
May 2	Fire Advisory Council	5PM	Chief Executive's Conference Room
May 2	Health Department	7AM	Health Department
May 3	Civic Center	5PM	Civic Center Hospitality Room

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COMMITTEE OF THE WHOLE MEETING REPORT

APRIL 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole, respectfully recommend as follows:

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENTS REGARDING PRELIMINARY PLAT OF MAJOR SUBDIVISION IN HILLCREST ADDITION. (Communication No. 07-188 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Steve Hess, Acting Planning Director, showed a power point presentation. Chairman O'Leary opened the public hearing and called for any proponents. Matt Nissler, Bozeman, was the sole proponent. There being no other proponents, he called for opponents. As there was no response he called the public hearing closed

SECTION II INVITATION FOR BIDS

SEALED BIDS FOR A NEW TRACTOR/LOADER/BACKHOE TO PERFORM OPERATIONS AND MAINTENANCE ACTIVITIES ON THE BUTTE HILL RELATED TO THE SUPERFUND BUTTE PRIORITY SOILS OPERABLE UNIT (BPSOU). (Communication No. 07-199 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Tom Malloy, Reclamation Manager, opened one bid submitted by Belgrade Equipment LLC, Belgrade, Montana. The bid is for \$54,531.53.

It was moved by Commissioner Coleman, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to refer the bid to Tom Malloy for review and report back.

SECTION III PRESENTATION COMMUNICATION NO. 07-195

Mary J. McLaughlin, President, Little Basin Creek Volunteer Fire Company, Requesting time on the 4/11/07 agenda to make a presentation regarding a replacement structure engine for Little Basin Creek Volunteer Fire Company.

Jim Ross, Captain with Little Basin Creek Volunteer Fire Company, came to the microphone and explained they are here to night to ask for help in funding a replacement structure engine for our department. He told they cover a 17-miles of rural and wild land area within a 20 mile perimeter. There are over 575 residing in this district. They are a first responder along with Terra Verde station and the paid department to the BSB Water Treatment Plant on Basin Creek. This is a heavily beetle kill area. They protect these areas with a 16-year old brush truck, a 27 year old mini pumper and a 36 year-old primary structure engine. This engine failed the last pump test in late 2006. (Note: a copy of his handout is available in the Clerk and Recorder's Office) They are requesting \$50,000 to obtain a used primary structure engine. There was a lengthy period of questions from the Commissioners. Jeff Miller, Director of Fire Services, said they are aware of the situation at Little Basin Creek Fire Company and are sympathetic to it. The Home Atherton Volunteer Fire Department has a new truck ordered which should be delivered in September of 2007. They propose to take their current apparatus and giving it to the Little Basin Creek Volunteer Fire Company for use. It does need some valve work and we will expend the funds to bring that truck up to standard.

It was moved by Commissioner Coleman, seconded by Commissioner Sheehy and carried with a unanimous verbal vote to hold Communication No. 07-195 in abeyance for two weeks.

SECTION IV

PETITION NO. 07-2

Patrick J. Riordan, Butte-Silver-Bow SID Administrator, requesting creation of Special Improvement Lighting District 1027 and requesting Council pass a Resolution of Intent and schedule a public hearing. *Committee recommends that Petition No. 07-2 be placed on file.*

SECTION V

COMMUNICATION NO. 07-36

Jeff Miller, Director of Fire Services, requesting authorization for Chief Executive to seek funding on behalf of Butte-Silver Bow Fire Department through Montana Board of Investments Intercap Loan Program. *Committee recommends that Communication No. 07-36 be placed on file.*

SECTION VI

COMMUNICATION NO. 07-118

John P. Walsh, Sheriff, requesting approval of DUI Task Force Plan and requesting resolution be drawn up by County Attorney. *Committee recommends that Communication No. 07-118 be held in abeyance.*

COMMUNICATION NO. 07-129

Lori Casey, Senior Planner, requesting conditional approval of Preliminary Plat of the Highland Ridge Minor Subdivision. ***Committee recommends that Communication No. 07-129 be held in abeyance for resolution.***

SECTION VIII

COMMUNICATION NO. 07-159

Frank Walsh, Chairman An Ri' Ra, Montana Irish Festival requesting street closure from 6PM 8/9/07 through 6PM 8/12/07, reroute traffic for 5K and 10K and use of Emma Park 8/12/07. ***Committee recommends that Communication No. 07-159 be held in abeyance.***

SECTION IX

COMMUNICATION NO. 07-187

Jeffrey L. Miller, Director of Fire Services, requesting public hearing be scheduled 4/18/07 to receive comment concerning amendment to budget for unanticipated revenue.
Committee recommends that Communication No. 07-187 be held in abeyance.

SECTION X

COMMUNICATION NO. 07-188

Stephen D. Hess, Acting Planning Director, requesting public hearing be scheduled for 4/11/07 to hear comments regarding Preliminary Plat of Major Subdivision in Hillcrest Addition. ***Committee recommends that Communication No. 07-188 be placed on file***

SECTION XI

COMMUNICATION NO. 07-190

Robert A. Macioroski, Director Land Office, requesting County Attorney prepare a resolution and deed for transfer of Parcel No. 303850 to Butte-Silver Bow. ***Committee recommends that Communication No. 07-190 be held in abeyance.***

SECTION XII

COMMUNICATION NO. 07-191

Ed O'Neill, Acting Chief Big Butte Volunteer Fire Department, requesting approval to apply for a grant and matching funds for Big Butte Volunteer Department. ***Committee concurs with request in Communication No. 07-191 and places it on file.***

SECTION XIII

COMMUNICATION NO. 07-197

Jeffrey L. Miller, Director of Fire Services, requesting bid from Semco Tank/Baker Equipment Company be rejected and another bid opening be scheduled for 4/18/07. ***Committee concurs with request in Communication No. 07-197 and holds in abeyance for bid opening on 4/18/07***

SECTION XIV

COMMUNICATION NO. 07-198

SECTION XV **COMMUNICATION NO. 07-199**

SECTION XVI **COMMUNICATION NO. 07-200**

SECTION XVII **COMMUNICATION NO. 07-201**

SECTION XVIII **COMMUNICATION NO. 07-208**

SECTION XIX **COMMUNICATION NO. 07-212**

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SECTION XX

COMMUNICATION NO. 07-186

John P. Walsh, Sheriff, requesting confirmation of appointment of William St. Pierre as a permanent member of the Butte-Silver Law Enforcement Department. *Committee recommends that Communication No. 07-186 be placed on file.*

FINANCE & BUDGET COMMITTEE MEETING REPORT

APRIL 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 07-142**

Jeff Amerman, Finance and Budget Director, regarding a request for \$174,712 Loan Payment to Butte Development Corporation. *Committee recommends that Communication No. 07-142 be held in abeyance.*

SECTION II **COMMUNICATION NO. 07-185**

Cindy Lammi, requesting approval of line item budget transfer. ***Committee recommends approval of Communication No. 07-185 and places on file.***

SECTION III

COMMUNICATION NO. 07-192

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends approval of Communication No. 07-192 and places on file.*

SECTION IV

COMMUNICATION NO. 07-193

Tim Clark, Personnel Director, requesting approval of line item budget transfers.
Committee recommends approval of Communication No. 07-193 and places on file.

SECTION V COMMUNICATION NO. 07-194

Steve J. Kambich, City Court Judge, requesting approval of line item budget transfers.
Committee recommends approval of Communication No. 07-194 and places on file.

SECTION VI COMMUNICATION NO. 07-196

Philip A. Flannery, Butte Veterans Council, requesting financial support for repair of the Korean War Memorial. *Committee recommends that \$620.00 be taken from the appropriate line item of the Council budget and places Communication No. 07-196 on file*

SECTION VII COMMUNICATION NO. 07-205

Gary Keeler, Transit Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-205 be approved and placed on file*

SECTION VIII COMMUNICATION NO. 07-206

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-206 be approved and placed on file*

SECTION IX COMMUNICATION NO. 07-207

Charlie O’Leary, Chairman Council of Commissioners, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-207 be approved and placed on file.*

SECTION X COMMUNICATION NO. 07-219

Jeff Amerman, Finance and Budget Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-219 be approved and placed on file.*

SECTION XI EXPENDITURE APPROVAL

4/4/07 \$456,618.44

Committee approves the above to include Claim #8209 to be paid and placed on file.

4/11/07 \$1,833,739.18

Committee approves the above expenditures

JUDICIARY COMMITTEE MEETING REPORT
APRIL 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER
BOW COUNCIL OF COMMISSIONERS

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I

Mark and Shirley Rule, regarding proposal to enter into 5-yr. Lease and one 5-yr renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. *Committee recommends that Communication 06-673 be held in abeyance for two weeks.*

SECTION II **COMMUNICATION NO. 07-209**

David B. Coleman, Commissioner District 8, requesting council support for a resolution. *Committee recommends that Communication No. 07-209 be referred to the County Attorney to formalize into a resolution to be brought before this (Judiciary) Committee in two weeks.*

SECTION III COUNCIL BILL NO. 05-11 ORDINANCE NO. 05-11

AN ORDINANCE CREATING A NEW CHAPTER WITHIN THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE ENTITLED “SECONDHAND GOODS” TO BE NUMBERED CHAPTER 5.66, B-SB MC; ESTABLISHING REGULATIONS FOR ALL SECONDHAND DEALERS INCLUDING SECONDHAND STORES, PAWNBROKERS, COIN DEALERS, AND DEALERS IN PRECIOUS AND SEMI-PRECIOUS METALS OR STONES; ESTABLISHING REPORT REQUIREMENTS; SETTING LICENSING FEES; ESTABLISHING PENALTIES FOR VIOLATION; REPEALING CHAPTERS 5.36 AND 5.44, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill 05-11, Ordinance No. 05-11 be amended. The language on page 7, line 7 – inserting “or in a computer generated format” between “language in ink: and at the time...” so that the section reads: “language in ink, or in a computer generated format, at the time....” Approved, move to final reading and passed.*

SECTION IV
COUNCIL BILL NO. 07-4
ORDINANCE NO. 07-4

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 195, 266, 398 AND 04-5 AND TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BUILDING AND CONSTRUCTION"; AMENDING

CHAPTER 15.04 ENTITLED "BUILDING CODE"; AMENDING CHAPTER 15.07 ENTITLED "INTERNATIONAL EXISTING BUILDING CODE"; AMENDING CHAPTER 15.10 ENTITLED "FIRE CODE"; AMENDING CHAPTER 15.14 ENTITLED "MECHANICAL CODE"; AMENDING CHAPTER 15.15 ENTITLED "INTERNATIONAL FUEL CODE"; AMENDING CHAPTER 15.16 ENTITLED "PLUMBING CODE"; AMENDING SECTION 15.04.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE AND APPROPRIATE ARM CHANGES; AMENDING SECTION 15.04.075 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AMENDING SECTION 15.07.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, AMENDING SECTION 15.10.010 AND ADOPTING THE 2003 EDITION OF THE NFPA 1 UNIFORM FIRE CODE; AMENDING SECTION 15.14.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, AMENDING SECTION 15.15.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FUEL CODE AND AMENDING SECTION 15.16.010 AND ADOPTING THE 2006 EDITION OF THE UNIFORM PLUMBING CODE AND DELETING APPENDIX H AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council bill No. 07-4, Ordinance No. 074 be placed on final reading and passed.*

SECTION V

COUNCIL BILL NO. 07-5 ORDINANCE NO. 07-5

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 7 AND 53 AND CHAPTERS 2.48 AND 17.54 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BOARD OF ADJUSTMENT"; AMENDING SECTIONS 2.48.090 AND 17.54.090, b-SB MC; DELETING REFERENCE TO APPEAL TO THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 76-2-327, MCA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill 07-5, Ordinance No. 07-5 be placed on second reading and passed.*

SECTION VI

COUNCIL RESOLUTION NO. 07-13

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE HIGHLAND RIDGE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-13 be placed on second reading and passed*

SECTION VII

COUNCIL RESOLUTION NO. 07-21

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING

OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION TRAFFIC SAFETY BUREAU TO PURCHASE THREE VIDEO VEHICLE CAMERAS AND FIVE PORTABLE BREATH ANALYZERS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommended Council Resolution No. 07-21 be placed on final reading and passed.*

SECTION VIII

COUNCIL RESOLUTION NO. 07-22

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW TREASURER TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-21 be placed on final reading and passed*

SECTION IX

CLAIM APPROVAL

8445	Jan Antikaninen	\$200.00	Demo Bond Refund
8898	J. D. Lynch	\$3,500.00	SRVCS per contract/4/07

Committee approves above claims.

PUBLIC WORKS COMMITTEE MEETING REPORT

APRIL 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I **PETITION NO. 07-1**

John Harrington, Building Official, requesting on behalf of Steve and Sharon Wilson to close and vacate a portion of Henry Street. *Committee recommends that Petition No. 07-1 be held in abeyance. It was approved by Public Works Committee and forwarded to the County Attorney's office to prepare necessary paper work for the property transfer.*

SECTION II **PETITION NO. 07-3**

John Harrington, Building Official, requesting on behalf of Thomas J. Hardesty for Street and Alley Closure. ***Building Department will contact Mr. Hardesty and advise him of the regulations and transfer of county property making this project unlikely to succeed as presented. Place Petition on file.***

SECTION III COMMUNICATION NO. 05-66

Charlie O'Leary, Commissioner District 5, requesting speed limits and urban highway designations on a portion of Western Blvd. and Also Meadowlark. ***Committee recommends that Communication No. 05-66 be held in abeyance. County Attorney is preparing an ordinance.***

SECTION IV

COMMUNICATION NO. 06-661

Jon Sesso, Planning Director, requesting council prioritize road improvement project – intersection of Beef Trail Road and Little Basin Creek Road. ***Committee recommends that Communication No. 06-661 be held in abeyance.***

SECTION V **COMMUNICATION NO. 06-701**

Marko Lucich, Executive Director Chamber of Commerce, requesting time on the Public Works Agenda to make a presentation on the progress on the Green Belt Conceptual Plan (Berkeley Pit Viewing Stand) ***Committee recommends that Communication No. 06-701 be held in abeyance.***

SECTION VI

COMMUNICATION NO. 07-117

Antone J. Matule, regarding traffic accident at Dewey – Harrison Avenue intersection and competence of police officers. *Committee recommends that Communication be placed on file. Public Works Director will write a letter to Mr. Matule to inform him a police investigation was made with no fault of the officer in his decision. The traffic control at the intersection has since been redesigned.*

SECTION VII

COMMUNICATION NO. 07-165

Cindi Shaw, Commissioner District 11, regarding request for review of traffic concerns on E. Woolman Street. *Committee recommends that Communication No. 07-165 be held in abeyance.*

PERSONNEL COMMITTEE MEETING REPORT

APRIL 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Personnel Committee, respectfully recommend as follows:

SECTION I

COMMUNICATION NO. 06-730

Jeff Amerman, Finance and Budget Director, requesting time on 12/20/06 Agenda to make an informational report on payroll issues. *Committee recommends that Communication No. 06-730 be held in abeyance. Committee members to look at the present unapproved by council of the Sheriff's policy*

COMMITTEE OF THE WHOLE MEETING REPORT

MARCH 14, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole, respectfully recommend as follows:

SECTION I INVITATION FOR BIDS

SEALED BIDS FOR 3,000 GALLON TANKER TRUCK FOR TERRA VERDE FIRE DEPARTMENT (Communication No. 07-115 being held in Committee of the Whole). Proof of Publication was noted and placed on file.

Jeff Miller, Director of Fire Services, opened the one bid from Semo Tank/Baker Equipment Company, Missouri and the amount of their bid is \$225,184.00.

Committee recommends that the bid be referred to the Director of Fire Services and Mr. Gelling for review and report back.

SECTION II INVITATION FOR BIDS

SEALED BIDS FOR LANDFILL COMPACTOR. (Communication No. 07-125 being held in Committee of the Whole). Proof of publication was noted and placed on file.

Gary Keeler, Transit Director, opened the one bid from Western States Equipment Company, Missoula, Montana. The amount of the bid is \$527,680.00. Under option 1 would be a trade of a 1996 CAT 926G Wheel Compactor. They provided a trade-in value of \$85,000.00 and the amount to be financed under this option would be \$442,680.00 and would be semi-annual payments for five years of \$36,695.00 and there would be a guaranteed buy-back of the machine after five years of operation of \$155,000.00. Under option 2, a trade-in value of a 2002 CAT 826G Compactor with a trade-in value of \$155,000.00 and the amount to be financed if we went under this option would be \$372,680.00. The semi-annual payments would be \$28,795.00 for the five-year lease purchase with a guaranteed buy-back of \$155,000.00 for the machine. All the interest rates would be at 5.6% but with this bid we have the option of an outright purchase of the machine if we so deem it feasible.

Committee recommends that the lone bid with the options be referred to the Capital Ad Hoc Committee and report back.

SECTION III

PRESENTATION COMMUNICATION NO. 07-135

Gary Keeler, Transit Director, requesting time on 3/14/07 agenda to make a presentation on the Greyhound/Rimrock terminal at the BSB Bus Transfer Station.

Gary Keeler, Transit Director, came to the microphone and told council they began these operations on August 1, 2006 and have completed their first six months on January 31, 2007. They entered into a one-year agreement with an option to come back to report to the council after six months of how the operations are going. He passed out a hand-out. They focused their analysis on three areas – Operational Requirements, Training, Maintenance and Facility Improvements to accommodate the Greyhound Operations. During this trial period in the area of Training we evaluated hours of operation, staffing requirements and training requirements. We had challenges in all three areas. These employees are not Silver-Bow employees. They are hired through Express Services. The Maintenance and Facility Improvements – this agreement did provide a great, comfortable, clean facility to travelers that come into our community. We figure there are about 7500 to 8000 people that transfer through that little building each month. Greyhound has paid for all services that we have provided for them at the facility. We have experienced cash shortages. We had to terminate an employee who lost a deposit. So, we have had some issues. We are trying to insure good fiscal management. This operation would have been unprofitable if it had not been for our Section 5311 funding that we applied on behalf of this agreement so it has worked because of our ability to apply for transit money. Our profit margin was about \$13,000.00 for that six months period. We would like to terminate this agreement as Butte-Silver Bow being the agent for Greyhound but with the council's concurrence that we recommend that we allow the Greyhound Rimrock operations to continue at our bus transfer facility but under the auspices of an independent contractor. We could work out a lease, utility cost, that type of thing at a later date.

Roy Tanner, Sales manager for Greyhound Lines came to the microphone. Greyhound is dedicated to making sure that this is successful. Greyhound is very interested with staying with Butte-Silver Bow as the agent. My recommendation would be that we itemize what the issues are and attack each one and be given an opportunity to review and issue and respond to it in a more proper manner.

Committee recommends to place Communication No. 07-135 on file and to terminate the current contract with Greyhound while negotiating a lease option for operation in our facility to be completed within 60 days.

SECTION IV

PUBLIC HEARING

FOR THE PURPOSE OF CONDUCTING A PUBLIC HEARING REGARDING A PETITION TO CLOSE AND VACATE A PORTION OF HENRY STREET ADJACENT TO BLOCKS 3 AND 4 OF THE VOLUNTEER NO. 2 ADDITION. (Petition 07-1 being held in the Public Works Department). **Proof of publication was noted and placed on file.**

John Harrington, Building Official, gave the staff report and said they had two comments on this closure. Northwestern Energy and Metro Sewer would require easements. He approves the closure of the street.

Chairman O'Leary opened the public hearing and called for any proponents. On the third and final call there being none he called for opponents. Again, there was no response so he closed the public hearing.

SECTION V PUBLIC HEARING

FOR THE PURPOSE OF CONDUCTING A PUBLIC HEARING REGARDING COMMUNITY NEEDS ASSESSMENT. (Communication No. 07-108 being held in Committee of the Whole). Proof of Publication was noted and placed on file.

Karen Byrnes, Director of Community Development Department, said this public hearing is to discuss needs in our community that we view as very important and can be addressed with public funds through the COB program. She gave an overview of the COB program and what they entail. It is a federally funded grant program to help communities with their greatest development needs. It's divided into entitlement and non-entitlement communities. At this public hearing we would ask that anyone in the community that would like to come up and speak and give a brief comment about what they feel the greatest needs are in our community in relation to any of the categories.

Chairman O'Leary opened the public hearing and asked for anyone who wished to speak to come to the microphone.

Andy Zink, with Butte Local Development Corporation. For the records Butte Local Development Corporation has been contacted by two companies, Masters Group International and Panterra Minerals expressing interest in applying for funding under the COB. We have submitted resolutions to the Council to grant Butte Local Development Corp. authority to apply for these funds as well as administer the funds.

Jim Cortes, 2230 Grand Avenue. We're co-chairman of the Butte Emergency Food Bank. The Food Bank has a total of approximately 60 volunteers. We service approximately 1,000 people a month. We distribute between 30,000 and 35,000 pounds of food a month.

Joann Cortese, 2230 Grand Avenue, co-director of the Butte Emergency Food Bank. The Food Bank has recently been able to purchase it's own building at 1019 E. Second Street. As part of that purchase we accepted the responsibility of a leaky roof that does have to be replaced. We would like to present the need of a new roof for our new building.

Elissa Mitchell, Executive Director of Human Resources Council District XII and also serves as Vice Chair person for the Butte Food Bank. She spoke in favor of the request from the Butte Food Bank.

Cathy Dunks, Operations Director for Western Montana Mental Health Center here in Butte, spoke in support of the Butte Food Bank.

Chairman O’Leary then closed the public hearing.

SECTION VI

PUBLIC HEARING

FOR THE PURPOSE OF CONDUCTING A PUBLIC HEARING ON PROPOSED ORDINANCE TO ESTABLISH REGULATIONS FOR SECONDHAND DEALERS. (Ordinance 05-11 being held in Judiciary Committee). **Proof of Publication was noted and placed on file.**

Doug Conway, Captain of the Police Department, said he is here tonight to answer any questions the council may have.

County Attorney McCarthy explained the purchase of this proposed ordinance is to protect the victim. The purpose of this is to provide a system of information accumulation and then a computerized system of information retrieval.

Chairman O’Leary then opened the public hearing. Captain Conway explained the ordinance that is being proposed is very similar to one that is being used in Billings and Yellowstone County and it has been in effect there since 1999. The dealers would report their transactions electronically to the Police Department so they can get that information into our system very quickly. It’s their goal to locate and return the property of citizens who are victims of crime. Chairman O’Leary then called for any proponents. The following came forward:

Bruce Hemphill, 1718 Yale
Al Brunner, A & L Shoppers Pawn
Robert Dazo, 401 W. Daly, Mountain Man Trading Post
Dewey Chambers, 2403 Princeton, Manager for First National Pawn

Chairman O’Leary then called for any opponents. On the final call, there being none he called the hearing closed.

SECTION VII

PETITION NO. 07-2

Patrick J. Riordan, BSB SID Administrator, requesting creation of Special Improvement District #1027 and requesting Council pass a resolution of intent and schedule a public hearing. ***Committee recommends that Petition No. 07-2 be held in abeyance.***

SECTION VIII**COMMUNICATION NO. 07-36**

Jeff Miller, Director of Fire Services, requesting authorization for Chief Executive to seek funding on behalf of Butte-Silver Bow Fire Department through Montana Board of Investments InterCap Loan Program. *Committee recommends that Communication No. 07-36 be held in abeyance pending introduction of a resolution.*

SECTION IX**COMMUNICATION NO. 07-69**

Rob Macioroski and Patsy Coates, Land Office, requesting time on 3/7/07 agenda to conduct a bid opening for Title and Lien Search for the 2007 Tax Deed Process. *Committee recommends that Communication No. 07-69 be placed on file.*

SECTION X**COMMUNICATION NO. 07-96**

Glen Granger, Commissioner District 1, regarding letter from Michelle Cavanaugh stating concerns with the Senior Housing Development on Continental Drive. *Committee recommends that Communication No. 07-96 be placed on file.*

SECTION XI**COMMUNICATION NO. 07-99**

Walt Choquette, Superintendent Metro Maintenance Department, requesting time on the 3/7/07 agenda to conduct a bid opening for a hydraulic mini excavator. *Committee recommends that Communication No. 07-99 be placed on file.*

SECTION XII**COMMUNICATION NO. 07-100**

Dan Dennehy, Health Officer, requesting time on 3/7/07 agenda to conduct a public hearing to receive unanticipated revenue from the Montana Department of Health and Human Services for the Health Department. *Committee recommends that Communication No. 07-100 be placed on file.*

SECTION XIII**COMMUNICATION NO. 07-108**

Karen Byrnes, Community Development Director, requesting permission to hold community needs assessment public hearing on March 7, 2007. *Committee recommends that Communication No. 07-108 be placed on file.*

SECTION XIV**COMMUNICATION NO. 07-115**

Rick Gelling, Equipment Superintendent, requesting time on the 3/14/07 agenda to conduct a bid opening for 3,000-Gallon Tanker Truck For Terra Verde Fire Department. *Committee recommends that Communication No. 07-115 be placed on file.*

SECTION XV**COMMUNICATION NO. 07-118**

John P. Walsh, Sheriff, requesting approval of DUI Task Force Plan and requesting resolution be drawn up by County Attorney. *Committee recommends that Communication No. 07-118 be held pending introduction of a resolution.*

SECTION XVI**COMMUNICATION NO. 07-120**

Jamie Paul, Director Health Promotion and Family Services, requesting time on 3/28/07 agenda for a presentation by Teens Advocating a Safe Community (TASC). *Committee recommends that Communication No. 07-120 be held in abeyance.*

SECTION XVII**COMMUNICATION NO. 07-125**

Gary Keeler, Landfill Manager, requesting time on 3/14/07 agenda to conduct a bid opening for landfill compactor. *Committee recommends that Communication No. 07-125 be placed on file.*

SECTION XVIII**COMMUNICATION NO. 07-129**

Lori Casey, Senior Planner, requesting conditional approval of Preliminary Plat of the Highland Minor Subdivision. *Committee recommends that Communication No. 07-129 be held in abeyance.*

SECTION XIX**COMMUNICATION NO. 07-130**

Stephen D. Hess, Acting Planning Director, requesting conditional approval of final plat of the RML Minor Subdivision. *Committee recommends that Communication No. 07-130 be placed on file.*

SECTION XX**COMMUNICATION NO. 07-131**

Stephen D. Hess, Acting Planning Director, requesting conditional approval of final plat of the Bella Estates Phase I, Major Subdivision. *Committee recommends that Communication No. 07-131 be placed on file.*

SECTION XXI**COMMUNICATION NO. 07-133**

John P. Walsh, Sheriff, requesting time on 3/21/07 agenda to conduct a public hearing to amend the FY 06-07 budget to receive unanticipated revenue from the Montana Department of Transportation. *Committee recommends that Communication No. 07-133 be held in abeyance.*

SECTION XXII**COMMUNICATION NO. 07-147**

Paul Babb Chief Executive, requesting concurrence in appointments to the Law Enforcement Commission. *Committee recommends that Communication No. 07-147 be held in abeyance.*

SECTION XXIII**COMMUNICATION NO. 07-154**

Jim Smitham, Executive Director BLDC, requesting Council approve resolution granting Butte-Silver Bow the authority to submit the CBDG-Ed application to the Department of Commerce and also to approve the BLDC as the administering entity for the Grant/Loan for Masters Group International, LLC. *Committee recommends that Communication No. 07-154 be held in abeyance pending proper resolution*

SECTION XXIV**COMMUNICATION NO. 07-155**

Jim Smitham, Executive Director BLDC, requesting Council approve resolution granting Butte-Silver Bow the authority to submit the CBDG-Ed application to the Department of Commerce and to approve the BLDC as the administering entity for the grant/loan for Panterra Minerals. *Committee recommends that Communication No. 07-155 be held in abeyance pending proper resolution*

**FINANCE & BUDGET COMMITTEE MEETING
MARCH 14, 2007**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 07-111**

Karen Byrnes, Community Development Department Director, requesting approval of line item budget transfers. ***Committee recommends that Communication No. 07-111 be approved and placed on file.***

SECTION II **COMMUNICATION NO. 07-113**

Bob Worley, Chairman Study Commission, requesting approval of line-item budget transfers. *Committee recommends that Communication No. 07-113 be approved and placed on file.*

SECTION III **COMMUNICATION NO. 07-139**

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-139 be approved and placed on file.*

SECTION IV **COMMUNICATION NO. 07-140**

John P. Walsh, Sheriff, requesting approval of line-item budget transfers. *Committee recommends that Communication No. 07-140 be approved and placed on file.*

SECTION V COMMUNICATION NO. 07-142

Jeff Amerman, Finance and Budget Director, regarding request for \$174,712 loan payment to Butte Local Development Corporation. ***Committee recommends that Communication No. 07-142 be held for two weeks.***

SECTION VI COMMUNICATION NO. 07-145

John VanDaveer, Director Public Works Department, requesting approval of line-item budget transfers. *Committee recommends that Communication No. 07-145 be approved and placed on file.*

SECTION VII EXPENDITURE APPROVAL

3/7/07	\$619,264.68
3/14/07	\$225,722.24

Committee approves the above expenditures and releases Claim #6457 in the amount of \$2,080.00 and Claim #6458 in the amount of \$1,995.00 off of the TIFID Account

3/21/07	\$415,616.58
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Committee held out Claim #8209 for \$11,000 pending approval of the County Attorney.

Note: Cindi Shaw abstained from vote for apparent conflict of interest.

JUDICIARY COMMITTEE MEETING REPORT

MARCH 14, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 06-532**

Andrew Wilson, requesting noise abatement regulations be enforced in his neighborhood.
Committee recommends deny and place on file.

SECTION II **COMMUNICATION NO. 06-673**

Mark and Shirley Rule, requesting proposal to enter into 5-year lease and one 5-year renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. ***Committee recommends that Communication No. 06-673 be held in abeyance.***

SECTION III COMMUNICATION NO. 07-102

David B. Coleman, Sr., Commissioner District 8, requesting on behalf of Public Housing Authority for Waiver of assessment due in May 2007. *Committee recommends that Communication No. 07-102 be denied and placed on file.*

SECTION IV

COUNCIL BILL NO. 05-11

ORDINANCE NO. 05-11

AN ORDINANCE CREATING A NEW CHAPTER WITHIN THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE ENTITLED “SECONDHAND GOODS” TO BE NUMBERED CHAPTER 5.66, B-SB MC; ESTABLISHING REGULATIONS FOR ALL SECONDHAND DEALERS INCLUDING SECONDHAND STORES, PAWNBROKERS, COIN DEALERS, AND DEALERS IN PRECIOUS AND SEMI-PRECIOUS METALS OR STONES; ESTABLISHING REPORT REQUIREMENTS; SETTING LICENSING FEES; ESTABLISHING PENALTIES FOR VIOLATION; REPEALING CHAPTERS 5.36 AND 5.44, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 05-11, Ordinance No. 05-11 be held in abeyance.*

SECTION V **COUNCIL RESOLUTION NO. 07-11**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE WOODARDS MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-11 be placed on final reading and passed.*

SECTION VI **COUNCIL RESOLUTION NO. 07-12**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE WHISKEY GULCH MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution be placed on final reading and passed*

SECTION VII **COUNCIL RESOLUTION NO. 07-13**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE HIGHLAND RIDGE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-13 be held in abeyance.*

SECTION VIII **COUNCIL RESOLUTION NO. 07-14**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE RML MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-14 be placed on final reading and passed.*

SECTION IX **COUNCIL RESOLUTION NO. 07-15**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE BELLA ESTATES MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-15 be placed on final reading and passed.*

SECTION X **COUNCIL BILL NO. 07-3**
ORDINANCE NO. 07-3

AN ORDINANCE AMENDING CHAPTER 10.52.020 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED "PARKING"; AMENDING SECTION 10.52.020 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); PROVIDING THAT PARKING BE PROHIBITED ALONG THE WEST CURB LINE OF FARRAGUT AVENUE A DISTANCE OF 60 FEET NORTH FROM ITS INTERSECTION WITH AMHERST AVENUE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 07-3, Ordinance No. 07-3 be placed on final reading and passed.*

SECTION XI

CLAIM APPROVAL

5937	Hans Loch	\$ 400.00	Demo Bond Refund
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Committee recommends approval of Claim #5937 in the amount of \$400.00

PUBLIC WORKS COMMITTEE MEETING REPORT

MARCH 14, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER
BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 05-66

Charlie O'Leary, Commissioner District 5, requesting speed limits and urban highway designations on a portion of Western Blvd. and also Meadowlark. ***Committee recommends that Communication No. 05-66 be held in abeyance for a letter to be attached to the study.***

SECTION II **COMMUNICATION NO. 05-522**

Charlie O’Leary, Commissioner District 5, requesting signs, guardrails, etc. in the area of Meadowview Drive and the street leading into the Homestake Meadows Subdivision.
Committee recommends that Communication No. 05-522 be placed on file.

SECTION III COMMUNICATION NO. 05-642

Paul Babb, Chief Executive, requesting time on 11/9/05 agenda for presentation on Sunset Memorial Cemetery by Danette Gleason, Assistant Finance and Budget Director, Mollie Maffei, Deputy County Attorney and Pat Burt, Newland and Company. *Committee recommends that Communication No. 05-642 be placed on file. Public Works Committee has completed their portion of the work and County Attorney's office will forward legal matter to the Judiciary Committee.*

SECTION IV **PETITION NO. 06-09**

John Harrington, Building Official, requesting on behalf of Charles and Roxanna Bulen, Sportsman Motel and RV to close and vacate a portion of 5th Street in Melrose between Blocks 8 and 10, Melrose Townsite. ***Committee recommends that Petition No. 06-09 be placed on file.***

SECTION V COMMUNICATION NO. 06-146

Joseph E. Lee, Commissioner District #2, requesting traffic study/intersection of Amherst and Farragut. ***Committee recommends that Communication No. 06-146 be cross referenced to Ordinance No. 07-3 waiting for final reading of Ordinance No. 07-3 and hold in abeyance.***

SECTION VI COMMUNICATION NO. 06-661

John Sesso, Planning Director, requesting council prioritize road improvement project – intersection of Beef Trail Road and Little Basin Creek Road. *Committee recommends that Communication No. 06-661.*

SECTION VII COMMUNICATION NO. 06-701

Marko Lucich, Executive Director Chamber of Commerce, requesting time on the Public Works Agenda to make a presentation on the progress on the Green Belt Conceptual Plan (Berkeley Pit Viewing Stand). *Committee recommends that Communication No. 06-701 be held in abeyance.*

SECTION VIII COMMUNICATION NO. 07-117

Antone J. Matule, regarding traffic accident at Dewey – Harrison Avenue intersection and competence of police officers. *Committee recommends that Communication No. 07-117 be held in abeyance.*

SECTION IX PETITION NO. 07-1

John Harrington, Building Official, requesting on behalf of Steve and Sharon Wilson to close and vacate a portion of Henry Street. *Committee recommends that Petition No. 07-1 be held in abeyance for public hearing scheduled for March 14, 2007*